

TITLE 4. PROFESSIONS AND OCCUPATIONS

CHAPTER 25. BOARD OF PODIATRY EXAMINERS

(Authority: A.R.S. § 32-801 et seq.)

Chapter 25, consisting of Sections R4-25-101 through R4-25-103, R4-25-201 through R4-25-203, R4-25-301 through R4-25-304, R4-25-401, and R4-25-501 through R4-25-506, renumbered and amended, and new rules adopted effective November 18, 1986.

Former Chapter 25, consisting of Sections R4-25-01 through R4-25-04, R4-25-20, R4-25-30 through R4-25-33, R4-25-40, and R4-25-50 through R4-25-53, renumbered and amended effective November 18, 1986.

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ARTICLE 1. GENERAL PROVISIONS

R4-25-101. Definitions

The following definitions apply in this Chapter unless otherwise specified:

1. "Administer" has the same meaning as in A.R.S. § 32-1901.
2. "Administrative completeness review" means the Board's process for determining that an applicant has:

- a. Provided all the information and documents required by Board statute or rule for an application, and
 - b. Taken a written examination or oral examination required by the Board.
3. "Applicant" means an individual requesting an approval from the Board.
 4. "Application packet" means all forms, documents, and additional information required by the Board to be submitted with an application by an applicant or on the applicant's behalf.
 5. "Comity" means the procedure for granting an Arizona license to an applicant who is licensed as a podiatrist in another state of the United States.
 6. "Contested case" has the same meaning as in A.R.S. § 41-1001.
 7. "Continuing education" means a workshop, seminar, lecture, conference, class, or instruction related to the practice of podiatry.
 8. "Controlled substance" has the same meaning as in A.R.S. § 32-1901.
 9. "Council" means the Council of Podiatric Medical Education, an organization approved by the American Podiatry Association to govern podiatric education.
 10. "Credit hour" means 60 minutes of participation in continuing education.
 11. "Day" means calendar day.
 12. "Device" has the same meaning as in A.R.S. § 32-1901 and includes a prescription-only device defined in A.R.S. § 32-1901.
 13. "Directly supervise" has the same meaning as "direct supervision" in A.R.S. § 32-871(D).
 14. "Dispense" has the same meaning as in A.R.S. § 32-871(F).
 15. "Distributor" has the same meaning as in A.R.S. § 32-1901.
 16. "Drug" has the same meaning as in A.R.S. § 32-1901 and includes a controlled substance, a narcotic drug defined in A.R.S. § 32-1901, a prescription medication, and a prescription-only drug.
 17. "Fiscal year" means the period beginning on July 1 and ending on the following June 30.
 18. "Hospital" means a classification of health care institution that meets the requirements in A.R.S. Title 36, Chapter 4 and 9 A.A.C. 10, Article 2.
 19. "Informed consent" means a document signed by a patient or patient's representative that authorizes treatment to the patient after the treating podiatrist informs the patient or the patient's representative of the following:
 - a. A description of the treatment;
 - b. A description of the expected benefits of the treatment;
 - c. Alternatives to the treatment;
 - d. Associated risks of the treatment, including potential side effects and complications; and
 - e. The patient's right to withdraw authorization for the treatment at any time.
 20. "Label" has the same meaning as in A.R.S. § 32-1901.

21. "Manufacturer" has the same meaning as in A.R.S. § 32-1901.
22. "Medical record" has the same meaning as in A.R.S. § 12-2291(4).
23. "One-year internship program" means the successful completion of either of the following:
 - a. American Podiatric Medical Association-approved one-year program, or
 - b. First-year post-graduate approved residency or preceptorship program in either a medical or surgical clinical science dealing directly with patients.
24. "Packaging" means the act or process of a person placing a drug item in a container for the purpose of dispensing or distributing the item to another person.
25. "Party" has the same meaning as in A.R.S. § 41-1001.
26. "Patient" means an individual receiving treatment from a podiatrist.
27. "PMLexis examination" means the test required by A.R.S. § 32-825(C)(2).
28. "Prescription medication" has the same meaning as in A.R.S. § 32-1901.
29. "Prescription-only device" has the same meaning as in A.R.S. § 32-1901.
30. "Prescription-only drug" has the same meaning as in A.R.S. § 32-1901.
31. "Prescription order" has the same meaning as in A.R.S. § 32-1901.
32. "Provisional licensee" means an individual licensed under A.R.S. § 32-826(B).
33. "Regular podiatry license" means a license issued pursuant to the provisions of A.R.S. § 32-826(A).
34. "Representative" means a legal guardian, an individual acting on behalf of another individual under written authorization from the individual, or a surrogate according to A.R.S. § 36-3201.
35. "Substantive review" means the Board's process for determining that an applicant meets the requirements of A.R.S. §§ 32-801 through 32-871 and this Article.
36. "Treatment" means podiatric medical, surgical, mechanical, manipulative, or electrical treatment according to A.R.S. § 32-801.
37. "Visit" means to seek diagnosis or treatment of an ailment of the foot or leg from a podiatrist and be physically present for the diagnosis or treatment.

Historical Note

Former Section R4-25-06 renumbered and amended as Section R4-25-01 effective August 30, 1978 (Supp. 78-4). Amended effective April 3, 1980 (Supp. 80-2).
 Former Section R4-25-01 renumbered and amended as Section R4-25-101 effective November 18, 1986 (Supp. 86-6). Amended effective July 27, 1995 (Supp. 95-3).
 Amended by final rulemaking at 5 A.A.R. 1000, effective March 16, 1999 (Supp. 99-1). Amended by final rulemaking at 9 A.A.R. 1846, effective July 19, 2003 (Supp. 03-2).

R4-25-102. Postdoctoral, Internship, and Residency Training Program Approval

- A. For purposes of satisfying the requirements of A.R.S. § 32-826(A), a postdoctoral, internship, or residency training program approved by the Council is approved by the Board.
- B. A postdoctoral, internship, or residency training program provisionally approved or placed on probation by the Council is approved by the Board until the Council makes a final adverse determination of the status of the postdoctoral, internship, or residency training program.

Historical Note

Adopted effective March 16, 1981 (Supp. 81-2). Former Section R4-25-02 renumbered and amended as Section R4-25-102 effective November 18, 1986 (Supp. 86-6). Amended effective July 27, 1995 (Supp. 95-3). Amended by final rulemaking at 9 A.A.R. 1846, effective July 19, 2003 (Supp. 03-2).

R4-25-103. Fees

The Board shall charge the following fees, which are not refundable unless A.R.S. § 41-1077 applies:

1. Application for examination pursuant to A.R.S. §§ 32-822(A) and 32-825, \$250.00.
2. Application for examination pursuant to A.R.S. § 32-827, \$250.00.
3. License issuance, \$100.00.
4. Annual renewal, \$200.00.
5. Penalty fee for late renewal after July 30, \$150.00 in addition to the regular renewal fee.
6. Certification of a licensee to authorities of another state or country, \$10.00.
7. For initial registration to dispense drugs and devices, \$200.00.
8. For annual renewal of registration to dispense drugs and devices, \$100.00.

Historical Note

Former Rule 3; Repealed effective August 30, 1978 (Supp. 78-4). Adopted as an emergency effective December 29, 1980, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 80-6). Former emergency adoption now adopted effective April 9, 1981 (Supp. 81-2). Former Section R4-25-03 repealed, new Section R4-25-03 adopted effective April 18, 1984 (Supp. 84-2). Former Section R4-25-03 renumbered without change as Section R4-25-103 effective November 18, 1986 (Supp. 86-6). Amended effective May 7, 1990 (Supp. 90-2). Amended effective July 27, 1995 (Supp. 95-3). Amended by final rulemaking at 9 A.A.R. 1846, effective July 19, 2003 (Supp. 03-2).

R4-25-104. Time-frames for Approvals

- A. The overall time-frame described in A.R.S. § 41-1072(2) for each type of approval granted by the Board is set forth in Table 1. The applicant and the Executive Director of the Board may agree in writing to extend the overall time-frame. The substantive review time-frame may not be extended by more than 25% of the overall time-frame.
- B. The administrative completeness review time-frame described in A.R.S. § 41-1072 for each type of approval granted by the Board is set forth in Table 1.
 1. The administrative completeness review time-frame begins:
 - a. For approval to take both a written and an oral podiatry examination or only an oral podiatry examination, when the Board receives an application packet required in R4-25-301 or R4-24-302;
 - b. For approval of a provisional license, when the Board receives the application packet required in R4-25-303;
 - c. For approval of a registration to dispense drugs, when the Board receives the application packet required in R4-25-602;
 - d. For approval of a regular podiatry license, when the applicant sits for both a written and an oral podiatry examination or only an oral examination;

- e. For approval of an application for renewal of a license or dispensing registration, when a licensee submits an application packet to the Board; or
 - f. For approval of continuing education, when the Board receives a request for approval.
 - 2. If the application packet is incomplete, the Board shall send to the applicant a written notice specifying the missing document or incomplete information. The administrative completeness review time-frame and the overall time-frame are suspended from the postmark date of the notice until the date the Board receives a complete application packet from the applicant.
 - 3. If an application packet is complete, the Board shall send a written notice of administrative completeness to the applicant.
 - 4. If the Board grants a license or approval during the time provided to assess administrative completeness, the Board shall not issue a separate written notice of administrative completeness.
 - C. The substantive review time-frame described in A.R.S. § 41-1072(3) is set forth in Table 1 and begins on the postmark date of the notice of administrative completeness.
 - 1. During the substantive review time-frame, the Board may make one comprehensive written request for additional information or documentation. The time-frame for the Board to complete the substantive review is suspended from the postmark date of the comprehensive written request for additional information or documentation until the Board receives the additional information or documentation.
 - 2. The Board shall send a written notice of approval to an applicant who meets the qualifications and requirements in A.R.S. Title 4, Chapter 7 and this Chapter.
 - 3. The Board shall send a written notice of denial to an applicant who fails to meet the qualifications and requirements in A.R.S. Title 4, Chapter 7 and this Chapter.
 - D. The Board shall consider an application withdrawn if, within 360 days from the application submission date, the applicant fails to:
 - 1. Supply the missing information under subsection (B)(2) or (C)(1), or
 - 2. Take both a written and an oral podiatry examination or only an oral podiatry examination.
 - E. An applicant who does not wish an application withdrawn may request a denial in writing within 360 days from the application submission date.
 - F. If a time-frame's last day falls on a Saturday, Sunday, or an official state holiday, the Board considers the next business day the time-frame's last day.
- Historical Note**
- Former Rule 4; Repealed effective August 30, 1978 (Supp. 78-4). Adopted effective March 13, 1986 (Supp. 86-2). Former Section R4-25-04 renumbered without change as Section R4-25-104 effective November 18, 1986 (Supp. 86-6). Section repealed effective July 27, 1995 (Supp. 95-3). New Section adopted by final rule-making at 5 A.A.R. 1000, effective March 16, 1999 (Supp. 99-1). Amended by final rulemaking at 9 A.A.R. 1846, effective July 19, 2003 (Supp. 03-2).
- R4-25-105. Repealed**
- Historical Note**
- Former Rule 5; Repealed effective August 30, 1978 (Supp. 78-4). Former Section R4-25-05 renumbered without change as Section R4-25-105 effective November 18, 1986 (Supp. 86-6).
- R4-25-106. Renumbered**
- Historical Note**
- Former Rule 6; Former Section R4-25-06 renumbered and amended as Section R4-25-01 effective August 30, 1978 (Supp. 78-4). Former Section R4-25-06 renumbered without change as Section R4-25-106 effective November 18, 1986 (Supp. 86-6).
- R4-25-107. Repealed**
- Historical Note**
- Former Rule 7; Repealed effective August 30, 1978 (Supp. 78-4). Former Section R4-25-07 renumbered without change as Section R4-25-107 effective November 18, 1986 (Supp. 86-6).

Table 1. Time-frames (in days)

Type of Approval	Statutory Authority	Overall Time-frame	Administrative Completeness Time-frame	Substantive Review Time-frame
Approval to Take a Written and Oral Examination or Oral Examination Only (R4-25-301)	A.R.S. § 32-822 A.R.S. § 32-823 A.R.S. § 32-824	90	30	60
Regular Podiatry License (R4-25-301)	A.R.S. § 32-826	60	30	30
License by Comity (R4-25-302)	A.R.S. § 32-827	60	30	30
Provisional License (R4-25-304)	A.R.S. § 32-826	60	30	30
Dispensing Registration (R4-25-602)	A.R.S. § 32-871	60	30	30
License Renewal (R4-25-306)	A.R.S. § 32-829	60	15	45
Registration Renewal (R4-25-605)	A.R.S. § 32-871	60	30	30
Continuing Education Approval (R4-25-502)	A.R.S. § 32-829	60	15	45

Historical Note

New Table 1 adopted by final rulemaking at 5 A.A.R. 1000, effective March 16, 1999 (Supp. 99-1). Amended by final rulemaking at 9 A.A.R. 1846, effective July 19, 2003 (Supp. 03-2).

ARTICLE 2. EXAMINATIONS**R4-25-201. Examination of Applicants**

- A.** The Board administers the state oral examination each year in June and December.
- B.** An applicant who meets the requirements in A.R.S. § 32-827 for licensure by comity shall pass the state oral examination with a grade of 75% or more.
- C.** An applicant who does not meet the requirements in A.R.S. § 32-827 for licensure by comity shall pass the PMLexis examination and state oral examination with a grade of 75% or more.
- D.** An applicant licensed to practice podiatry in a state other than Arizona who is applying to the Board for a license by comity and who:
1. Passed the PMLexis examination in a state other than Arizona with a score of 75% or more within five years of the application submission date meets the examination requirements of A.R.S. § 32-825, or
 2. Did not pass the PMLexis examination in any state with a score of 75% or more does not meet the examination requirements of A.R.S. § 32-825 and shall pass the PMLexis examination with a score of 75% or more to be licensed in this state.

Historical Note

Adopted as an emergency effective April 21, 1978, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 78-2). Adopted effective August 30, 1978 (Supp. 78-4).

Amended subsection (A) effective March 16, 1981 (Supp. 81-2). Former Section R4-25-20 renumbered and amended as Section R4-25-201 effective November 18, 1986 (Supp. 86-6). Section repealed, new Section adopted effective July 27, 1995 (Supp. 95-3). Amended

by final rulemaking at 9 A.A.R. 1846, effective July 19, 2003 (Supp. 03-2).

R4-25-202. Repealed**Historical Note**

Adopted effective November 18, 1986 (Supp. 86-6). Amended effective July 27, 1995 (Supp. 95-3). Section repealed by final rulemaking at 5 A.A.R. 1000, effective March 16, 1999 (Supp. 99-1).

R4-25-203. Oral Examination Procedures

- A.** An applicant taking an oral examination shall:
1. Be present to take the examination at the date, time, and place scheduled by the Board;
 2. During the examination, not communicate with another applicant except with the permission of the examiner; and
 3. Except for a writing instrument, not bring examination assistance, such as books or equipment, into the examination room unless given permission by the Board.
- B.** An applicant may submit written comments to the Board about an oral examination after the examination concludes.
- C.** An applicant who does not meet the requirements in subsection (A):
1. Shall not be permitted by the Board to complete an oral examination,
 2. Forfeits the examination fee, and
 3. May submit a new application to take an examination and the examination fee.

Historical Note

Adopted effective November 18, 1986 (Supp. 86-6). Amended effective July 27, 1995 (Supp. 95-3). Amended

by final rulemaking at 9 A.A.R. 1846, effective July 19, 2003 (Supp. 03-2).

ARTICLE 3. LICENSES

R4-25-301. Application for a Regular Podiatry License

A. No later than 90 days before a written or oral examination date, an applicant for a regular license shall submit:

1. An application form provided by the Board, signed and dated by the applicant and notarized that contains:
 - a. The applicant's name, address, social security number, telephone number, and date of birth;
 - b. The name and address of the applicant's employer at the time of application;
 - c. The name, address, and type of facility at which the applicant served as an intern or resident in podiatric medicine;
 - d. The name and address of each university or college from which the applicant graduated, dates of attendance, date of graduation, and degree received;
 - e. The name and address of the podiatric medical school from which the applicant graduated, dates of attendance, and date of graduation;
 - f. The name of each state or jurisdiction in which the applicant is currently or has been licensed as a podiatrist and address of the licensing agency;
 - g. A statement of whether the applicant has taken and passed a national podiatric examination in any state and date of passage, if applicable;
 - h. A statement of whether the applicant has ever been convicted of a felony or misdemeanor involving moral turpitude;
 - i. A statement of whether the applicant has ever had an application for a license, certification, or registration, other than a driver's license, denied or rejected by any state or jurisdiction;
 - j. A statement of whether the applicant has ever had a license, certification, or registration, other than a driver's license, suspended or revoked by any state or jurisdiction;
 - k. A statement of whether the applicant has ever entered into a consent agreement or stipulation with any state or jurisdiction;
 - l. A statement of whether the applicant has ever been named as a defendant in any medical malpractice matter that resulted in a settlement or judgment against the applicant;
 - m. A statement of whether the applicant has any medical condition that in any way impairs or limits the applicant's ability to practice podiatric medicine; and
 - n. A statement, verified under oath by the applicant, that the information on the application pertains to the applicant, is true and correct, and was not procured through fraud or misrepresentation.
2. Two passport-type photographs of the applicant no larger than 1 1/2 x 2 inches taken not more than six months before the date of application;
3. A photocopy of the diploma issued to the applicant upon completion of podiatric school;
4. A photocopy of the residency certificate issued to the applicant upon completion of residency; and
5. The fee required in R4-25-103.

B. An applicant shall arrange to have a transcript of examination scores of a national board examination in podiatry sent directly to the Board office by the professional examination service preparing the examination. The transcript shall be received by

the Board no less than 30 days before the date of an oral examination.

Historical Note

Adopted effective August 30, 1978 (Supp. 78-4). Amended effective April 3, 1980 (Supp. 80-2). Former Section R4-25-30 ren numbered without change as Section R4-25-301 effective November 18, 1986 (Supp. 86-6). Section repealed effective July 27, 1995 (Supp. 95-3). New Section adopted by final rulemaking at 5 A.A.R. 1000, effective March 16, 1999 (Supp. 99-1).

R4-25-302. Application for a Podiatrist's License by Comity

A. Under A.R.S. § 32-827, an applicant for a podiatrist's license by comity shall submit to the Board, a minimum of 90 days before an oral examination date, an application form provided by the Board, signed and dated by the applicant and notarized that contains the information in R4-25-301(A)(1) and the following:

1. A photocopy of a current podiatric license in good standing issued in another state or jurisdiction;
2. Written documentation of having been engaged in the practice of podiatric medicine for five of seven years immediately preceding the application;
3. Two passport-type photographs of the applicant no larger than 1 1/2 x 2 inches taken not more than six months before the date of application;
4. The fee required in R4-25-103.

B. An applicant shall arrange to have a transcript of examination scores of a national board examination in podiatry sent directly to the Board office by the professional examination service preparing the examination. The transcript shall be received by the Board no less than 30 days before the date of an oral examination.

Historical Note

Adopted effective August 30, 1978 (Supp. 78-4). Former Section R4-25-31 ren numbered and amended as Section R4-25-302 effective November 18, 1986 (Supp. 86-6). Amended effective July 27, 1995 (Supp. 95-3). Section repealed, new Section adopted by final rulemaking at 5 A.A.R. 1000, effective March 16, 1999 (Supp. 99-1).

R4-25-303. Application for a Provisional Licensee

Under A.R.S. § 32-326, an applicant for a regular license who receives a passing grade on the written examination and intends to practice podiatry in Arizona but has not yet completed a one-year internship, shall apply to the Board for a provisional license within 30 days from the date the Board issues the notice of approval under R4-25-104(C). The applicant shall submit to the Board an application form provided by the Board, signed and dated by the applicant and notarized that contains:

1. The applicant's name, address, social security number, telephone number, and date of birth;
2. The name and address of the facility at which the applicant will be serving as an intern in podiatric medicine;
3. The name and address of each university or college from which the applicant graduated, dates of attendance, date of graduation, and degree received;
4. A statement of whether the applicant has passed a podiatric national board examination and date of passage;
5. A statement of whether the applicant has taken and passed the oral examination in Arizona; and
6. A notice of intent to practice podiatry in Arizona.

Historical Note

Adopted effective August 30, 1978 (Supp. 78-4). Amended effective February 5, 1979 (Supp. 79-1). Former Section R4-25-32 ren numbered and amended as

Section R4-25-303 effective November 18, 1986 (Supp. 86-6). Amended effective July 27, 1995 (Supp. 95-3). former Section R4-25-303 renumbered to R4-25-305, new Section R4-25-303 adopted by final rulemaking at 5 A.A.R. 1000, effective March 16, 1999 (Supp. 99-1).

R4-25-304. Repealed

Historical Note

Adopted effective August 30, 1978 (Supp. 78-4). Former Section R4-25-33 renumbered without change as Section R4-25-304 effective November 18, 1986 (Supp. 86-6). Amended effective July 27, 1995 (Supp. 95-3). Section repealed by final rulemaking at 5 A.A.R. 1000, effective March 16, 1999 (Supp. 99-1).

R4-25-305. Supervision of a Provisional Licensee

- A.** No later than the 20th day of each month, a provisional licensee shall submit to the Board the following information about each patient's treatment for the previous 30 days:
1. The initials of the patient's first and last name, age, and gender;
 2. The date of each visit;
 3. The reason for the patient's visit;
 4. The patient's diagnosis;
 5. The treatment provided including a list of all prescription orders and drugs or devices administered or dispensed;
 6. A copy of the informed consent form signed by the patient before a surgical procedure was performed on the patient; and
 7. The location of the patient when treated.
- B.** Before a regular license is issued to a provisional licensee, the Board shall meet with the provisional licensee to determine whether the provisional licensee obtained podiatry experience equal to experience in a one-year-internship program.
1. The Board shall send a written notice to the provisional licensee informing the provisional licensee of the location, date, and time of the Board meeting.
 2. At the Board meeting, the Board shall review the information required by subsection (A) and consider the following:
 - a. The number of patients treated.
 - b. The diversity and complexity of treatment,
 - c. The expertise required of the provisional licensee while treating each patient, and
 - d. The evaluation performed by the provisional licensee of the necessity for treatment.
- C.** If the Board determines that the provisional licensee obtained podiatry experience equal to experience in a one-year internship program and meets the requirements in A.R.S. § 32-826, the Board shall issue a regular podiatry license to the provisional licensee.

Historical Note

Adopted effective August 30, 1978 (Supp. 78-4). Amended effective February 5, 1979 (Supp. 79-1). Section R4-25-305 renumbered from R4-25-303 by final rulemaking at 5 A.A.R. 1000, effective March 16, 1999 (Supp. 99-1). Amended by final rulemaking at 9 A.A.R. 1846, effective July 19, 2003 (Supp. 03-2).

R4-25-306. License Renewal

On or before June 30 of each year, a licensee shall submit the renewal fee required in R4-25-103 and:

1. A renewal application that contains the following information:
 - a. The licensee's name, home and business mailing addresses, and location of practice;

- b. Whether the licensee has been named as a defendant in a medical malpractice matter during the 12 months before the date of the renewal application, including:
 - i. The name of the court having jurisdiction over the medical malpractice matter and case number assigned to the medical malpractice matter, and
 - ii. Copies of all court documents relating to the medical malpractice matter;
 - c. Whether the licensee has been convicted of a felony or a misdemeanor involving moral turpitude during the 12 months before the date of the renewal application;
 - d. Whether the licensee's malpractice or professional liability insurance has been denied, suspended, or revoked during the 12 months before the date of the renewal application;
 - e. Whether the licensee's Drug Enforcement Administration Certificate of Registration required in R4-25-602 has been suspended or revoked during the 12 months before the date of the renewal application, or is currently under investigation;
 - f. Whether the licensee has had a license, certification, or registration, other than a driver's license, suspended or revoked by any state or jurisdiction during the 12 months before the date of the renewal application;
 - g. Whether the licensee has been treated for alcoholism or drug abuse during the 12 months before the date of the renewal application;
 - h. Whether the licensee has a medical condition that in any way impairs or limits the licensee's ability to practice podiatric medicine;
 - i. Whether the licensee has been denied staff membership in a hospital or other health care institution, as defined in A.R.S. § 36-401, during the 12 months before the date of the renewal application;
 - j. Whether the licensee has been investigated by a health insurance company for health insurance fraud during the 12 months before the date of the renewal application; and
 - k. A statement by the licensee that the information on the renewal application is true and correct and the licensee's signature;
2. If the licensee answers yes to any of the questions in subsections (1)(c) through (1)(j), an explanation of each answer including applicable dates, outcomes, and current status; and
 3. The written report required in R4-25-503 for continuing education, including a notarized affirmation of attendance signed by the licensee.

Historical Note

New Section made by final rulemaking at 9 A.A.R. 1846, effective July 19, 2003 (Supp. 03-2).

ARTICLE 4. REHEARING OR REVIEW

R4-25-401. Rehearing or Review

- A.** Except as provided in subsection (G), a party who is aggrieved by a decision issued by the Board may file with the Board no later than 30 days after service of the decision, a written motion for rehearing or review of the decision specifying the grounds for rehearing or review. For purposes of this Section, a decision is considered to have been served when personally delivered to the party's last known home or business address

or five days after the decision is mailed by certified mail to the party or the party's attorney.

- B.** A party filing a motion for rehearing or review may amend the motion at any time before it is ruled upon by the Board. Other parties may file a response within 15 days after the date the motion or amended motion by any other party for rehearing or review is filed. The Board may require a party to file a supplemental memorandum explaining the issues raised in the motion or response and may permit oral argument.
- C.** The Board may grant a rehearing or review of the decision for any of the following reasons materially affecting the moving party's rights:
 1. Irregularity in the Board's administrative proceedings or an abuse of discretion that deprived the party of a fair hearing,
 2. Misconduct of the Board or the prevailing party,
 3. Accident or surprise that could not have been prevented by ordinary prudence,
 4. Newly discovered material evidence that could not with reasonable diligence have been discovered and produced at the original hearing,
 5. Excessive or insufficient penalties,
 6. Error in the admission or rejection of evidence or other errors of law occurring at the administrative hearing, or
 7. That the decision is not supported by the evidence or is contrary to law.
- D.** The Board may affirm or modify the decision or grant a rehearing or review on all or part of the issues for any of the reasons in subsection (C). An order granting a rehearing or review shall specify the ground for the rehearing or review.
- E.** No later than 30 days after a decision is issued by the Board, the Board may, on its own initiative, grant a rehearing or review of its decision for any reason in subsection (C). An order granting a rehearing or review shall specify the grounds for the rehearing or review.
- F.** When a motion for rehearing or review is based upon affidavits, a party shall serve the affidavits with the motion. An opposing party may, within 10 days after service, serve opposing affidavits. The Board may extend the time for serving opposing affidavits for no more than 20 days for good cause or by written stipulation of the parties. The Board may permit reply affidavits.
- G.** If the Board makes specific findings that the immediate effectiveness of a decision is necessary to preserve the public health and safety and determines that a rehearing or review of the decision is impracticable, unnecessary, or contrary to the public interest, the Board may issue the decision as a final decision without an opportunity for rehearing or review. If a decision is issued as a final decision without an opportunity for a rehearing or review, an aggrieved party that makes an application for judicial review of the decision shall make the application within the time limits permitted for an application for judicial review of the Board's final decision at A.R.S. § 12-904.

Historical Note

Adopted effective August 30, 1978 (Supp. 78-4). Former Section R4-25-40 renumbered and amended as Section R4-25-401 effective November 18, 1986 (Supp. 86-6). Amended effective July 27, 1995 (Supp. 95-3). Amended by final rulemaking at 9 A.A.R. 1846, effective July 19, 2003 (Supp. 03-2).

ARTICLE 5. CONTINUING EDUCATION

R4-25-501. Continuing Education Hours Required

- A.** Unless a licensee obtains a waiver according to R4-25-505, the licensee shall complete 25 hours or more of continuing education credit hours every fiscal year.
- B.** A licensee who has been licensed for less than 12 months before license renewal shall complete two continuing education credit hours for each month of licensure.

Historical Note

Adopted effective August 30, 1978 (Supp. 78-4). Former Section R4-25-50 renumbered and amended as Section R4-25-501 effective November 18, 1986 (Supp. 86-6). Amended by final rulemaking at 9 A.A.R. 1846, effective July 19, 2003 (Supp. 03-2).

R4-25-502. Approval of Continuing Education

- A.** A licensee may submit a written request to the Board for approval of continuing education before submission of a renewal application.
- B.** A request under subsection (A) shall contain:
 1. A brief summary of the continuing education;
 2. The educational objectives of the continuing education;
 3. The date, time, and place of the provision of the continuing education;
 4. The name of the individual providing the continuing education, if available; and
 5. The name of the organization providing the continuing education, if applicable.
- C.** In determining whether to approve continuing education, the Board shall consider whether the continuing education:
 1. Is designed to provide current developments, skills, procedures, or treatments related to the practice of podiatry;
 2. Is developed and provided by an individual with knowledge and experience in the subject area; and
 3. Contributes directly to the professional competence of a licensee.
- D.** A licensee may request approval of 10 credit hours or less of continuing education if provided in any of the following ways:
 1. On the internet,
 2. On a CD-ROM, or
 3. In podiatric medical literature, such as a journal.
- E.** The Board shall approve or deny a request for approval according to the time-frames set forth in R4-25-104 and Table 1.
- F.** According to A.R.S. § 32-829(E), if approval of a continuing education request is denied, a licensee has 60 days from the date of the denial to meet the continuing education requirements.

Historical Note

Adopted effective August 30, 1978 (Supp. 78-4). Amended effective April 3, 1980 (Supp. 80-2). Former Section R4-25-51 renumbered and amended as Section R4-25-502 effective November 18, 1986 (Supp. 86-6). Amended effective July 27, 1995 (Supp. 95-3). Amended by final rulemaking at 9 A.A.R. 1846, effective July 19, 2003 (Supp. 03-2).

R4-25-503. Documentation

- A.** A licensee shall submit a written report of completed continuing education with a renewal application that includes:
 1. The name of the licensee,
 2. The title of each continuing education,
 3. A description of the continuing education's content and educational objectives,
 4. The date of completion of each continuing education,
 5. The number of credit hours of each continuing education, and

6. A statement signed by the licensee verifying the information in the report.
- B.** The Board may audit continuing education reports every 12 months for conformance with A.R.S. § 32-829 and this Article:
 1. Randomly; or
 2. Selectively for licensees who previously submitted reports that did not conform with the requirements in A.R.S. § 32-829 or this Article.

Historical Note

Adopted effective August 30, 1978 (Supp. 78-4). Former Section R4-25-52 renumbered and amended as Section R4-25-503 effective November 18, 1986 (Supp. 86-6). Amended by final rulemaking at 9 A.A.R. 1846, effective July 19, 2003 (Supp. 03-2).

R4-25-504. Repealed**Historical Note**

Adopted effective August 30, 1978 (Supp. 78-4). Former Section R4-25-53 renumbered and amended as Section R4-25-504 effective November 18, 1986 (Supp. 86-6). Amended effective July 27, 1995 (Supp. 95-3). Section repealed by final rulemaking at 9 A.A.R. 1846, effective July 19, 2003 (Supp. 03-2).

R4-25-505. Waiver of Continuing Education

- A.** A licensee who is unable to complete 25 hours of continuing education for any of the reasons in A.R.S. § 32-829(C) may submit a written request for a waiver to the Board by August 31 that contains:
 1. The name, address, and telephone number of the licensee;
 2. The report required in R4-25-503;
 3. An explanation of why the licensee was unable to meet the Board's continuing education requirements that includes one of the reasons in A.R.S. § 32-829(C); and
 4. The signature of the licensee.
- B.** The Board shall send written notice of approval or denial of the request for waiver within seven days of receipt of the request.
- C.** If the Board denies a request for a waiver, a licensee has 60 days from the date of the denial to meet the requirements for continuing education.

Historical Note

Adopted effective November 18, 1986 (Supp. 86-6). Amended effective July 27, 1995 (Supp. 95-3). Amended by final rulemaking at 9 A.A.R. 1846, effective July 19, 2003 (Supp. 03-2).

ARTICLE 6. DISPENSING DRUGS AND DEVICES**R4-25-601. Reserved****R4-25-602. Registration Requirements**

An individual currently licensed as a podiatrist in this state who wishes to dispense drugs and devices shall register with the Board by submitting all of the following:

1. The podiatrist's current Drug Enforcement Administration Certificate of Registration issued by the Department of Justice under 21 U.S.C. 801 et seq.;
2. The fee required in R4-25-103; and
3. An application form provided by the Board, signed and dated by the podiatrist, and notarized that contains:
 - a. The podiatrist's name,
 - b. The address of each location where the podiatrist intends to dispense drugs and devices, and
 - c. The types of drugs and devices the podiatrist intends to dispense.

Historical Note

Adopted effective July 27, 1995 (Supp. 95-3). Amended by final rulemaking at 5 A.A.R. 1000, effective March 16, 1999 (Supp. 99-1). Amended by final rulemaking at 9 A.A.R. 1846, effective July 19, 2003 (Supp. 03-2).

R4-25-603. Prescribing and Dispensing Requirements

A podiatrist shall:

1. Not dispense a drug unless the drug is obtained from a manufacturer or distributor licensed in any state or jurisdiction;
2. Ensure that a drug or device is dispensed only to a patient being treated by the podiatrist;
3. Before dispensing a drug, provide a patient with a written prescription order that:
 - a. Contains the following statement in bold type: "This prescription may be filled by the prescribing podiatrist or by a pharmacy of your choice," and
 - b. Is signed by the podiatrist;
4. Directly supervise each individual involved in preparing a drug that is dispensed;
5. Ensure that a drug is:
 - a. Dispensed in a prepackaged container or in a light-resistant container with a consumer safety cap; and
 - b. Labeled with the following information:
 - i. The podiatrist's name, address, and telephone number;
 - ii. The date the drug is dispensed;
 - iii. The patient's name; and
 - iv. The name, strength of the drug, and directions for the drug's use;
6. Ensure that the original prescription order for a drug is countersigned and dated by the individual who prepared the drug for dispensing;
7. Before a drug or device is dispensed to a patient:
 - a. Review the drug or device to ensure compliance with the prescription order;
 - b. Ensure the patient is informed of the following:
 - i. The name of the drug or device,
 - ii. Directions for taking the drug or using the device,
 - iii. Precautions for the drug or device, and
 - iv. Directions for storing the drug or device;
8. Document in the medical record the following for each patient:
 - a. Name of the drug or device dispensed,
 - b. Strength of the drug dispensed,
 - c. Date the drug or device is dispensed, and
 - d. Therapeutic reasons for dispensing the drug or device;
9. Maintain an inventory record for each drug that contains:
 - a. Name of the drug,
 - b. Strength of the drug,
 - c. Date the drug was received by the podiatrist,
 - d. Amount of the drug received by the podiatrist,
 - e. Name of the manufacturer and distributor of the drug, and
 - f. A unique identifying number provided by the manufacturer or distributor of the drug;
10. Store a drug in a locked cabinet or room and:
 - a. Establish a written policy for access to the locked cabinet or room, and
 - b. Make the written policy available to the Board or its authorized agent within 72 hours of a Board request;
11. Ensure that a drug is stored at temperatures recommended by the manufacturer of the drug; and

12. Maintain a dispensing log, separate from the inventory record for each drug dispensed that includes the:
 - a. Name of the drug,
 - b. Strength of the drug,
 - c. Amount of the drug,
 - d. Patient's name,
 - e. Date the drug was dispensed, and
 - f. The name and signature of the podiatrist who dispensed the drug.

Historical Note

Adopted effective July 27, 1995 (Supp. 95-3). Amended by final rulemaking at 9 A.A.R. 1846, effective July 19, 2003 (Supp. 03-2).

R4-25-604. Recordkeeping and Reporting Shortages

- A. A prescription order written by a podiatrist for a drug shall:
 1. Contain the:
 - a. Name of the patient,
 - b. Date the prescription order is written, and
 - c. Name and signature of the podiatrist;
 2. Be numbered consecutively; and
 3. Be maintained separately from a medical record.
- B. A podiatrist shall maintain an invoice of a drug purchased from a manufacturer or distributor for three years from the date purchased.
- C. A podiatrist shall maintain the inventory record in R4-25-603(9) and the dispensing log in R4-25-603(12) for seven years from the date of entry.
- D. A podiatrist who discovers that a drug identified in the podiatrist's inventory record cannot be accounted for shall:
 1. Within 48 hours of discovery or the next business day if a weekend or holiday, whichever is later, notify the appropriate law enforcement agency and the federal Drug Enforcement Administration; and

2. Provide written notification to the Board within seven days from the date of the discovery, including the name of the law enforcement agency notified.

Historical Note

Adopted effective July 27, 1995 (Supp. 95-3). Amended by final rulemaking at 9 A.A.R. 1846, effective July 19, 2003 (Supp. 03-2).

R4-25-605. Registration Renewal

- A. A podiatrist shall renew a registration no later than June 30 of each year by submitting to the Board:
 1. An application form provided by the Board, signed and dated by the podiatrist, and notarized that contains:
 - a. The podiatrist's name,
 - b. The address of each location where the podiatrist dispenses drugs and devices,
 - c. The types of drugs and devices the podiatrist dispenses, and
 - d. The podiatrist's Drug Enforcement Administration registration number issued by the Department of Justice under 21 U.S.C. 801 et seq.; and
 2. The fee required in R4-25-103.
- B. If a podiatrist fails to submit the information required in subsection (A) and the registration renewal fee required in R4-25-103 by June 30, the podiatrist's registration expires. If a registration expires, the podiatrist shall:
 1. Immediately cease dispensing drugs or devices, and
 2. Register pursuant to R4-25-602 before dispensing drugs and devices.

Historical Note

Adopted effective July 27, 1995 (Supp. 95-3). Amended by final rulemaking at 9 A.A.R. 1846, effective July 19, 2003 (Supp. 03-2).